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9 Attorney for Defendant  
10 HARMAN UNLIMITED, INC.  
11 (Incorrectly Identified as  
12 Snackers Sinclair, Inc.)  
13  
14  
15  
16  
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SHEIDA HUKMAN,

CASE NO. 2:23-cv-00501-CDS-NJK

Plaintiff

**JOINT PRE-TRIAL ORDER**

vs.

SNACKERS SINCLAIR, INC.,

Defendant

After pre-trial proceedings in this case,

IT IS ORDERED, per Local Rule 16-3:

**I. STATEMENT OF THE NATURE OF THE ACTION**

This is an action for: Claimed national origin employment discrimination in violation of 42 USC 2000e-2a (Title VII of the Civil Rights Act of 1964) by Defendant while Plaintiff worked at Defendant's convenience store

**II. JURISDICTION**

Plaintiff asserts that this Court has jurisdiction under the provisions of 8 USC §1331, 42 USC 2000e-2a due to allegations of national origin discrimination in violation of Title VII of the Civil Rights Act of 1964.

1                   **III. ALL UNCONTESTED FACTS DEEMED MATERIAL IN THE ACTION**

2                   The following facts are admitted by the parties and require no proof: Plaintiff in proper  
3 person claims that she does not agree to any facts. The following are facts that Defendant does not  
4 dispute and require no proof:

- 5                   1. That Defendant Harman Unlimited, Inc., owns and operates the Snackers location.  
6                   2. That Plaintiff worked at Snackers.  
7                   3. That Plaintiff's employment with Snackers was terminated.

8                   **IV. UNCONTESTED ISSUES OF FACT, AS AGREED UPON BY THE PARTIES**

9                   The following facts, though not admitted, will not be contested at trial by evidence to the  
10 contrary.

11                  See Defendant's Separate Statement in Section III.

12                  **V. CONTESTED ISSUES OF FACT, AS AGREED BY THE PARTIES**

13                  The following are the issues of fact to be tried and determined upon trial.<sup>1</sup> (Each issue of  
14 fact must be stated separately and in specific terms.)

15                  **1. PLAINTIFF'S STATEMENT OF ISSUES OF FACT DEEMED TO BE  
16 MATERIAL**

17                  The following are the issues of fact to be tried and determined at trial.

18                  (Each issue of law must be stated separately and in specific terms.)

19                  Plaintiff claims the parties do not agree about any facts.

20                  **2. DEFENDANT'S STATEMENT OF ISSUES OF FACT DEEMED TO BE  
21 MATERIAL**

- 22                  1. Whether Plaintiff has made the same allegations of National Origin Discrimination against prior  
employers and their employees.  
23  
24                  2. Whether Plaintiff was taking longer breaks than permitted by company policy.  
25  
26                  3. Whether the Plaintiff was sleeping or sitting in the breakroom in violation of company policy.  
27  
28                  4. Whether the security surveillance video captured Plaintiff sitting down and/or sleeping in the  
breakroom.

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<sup>1</sup> Should the attorneys or parties be unable to agree on the statement of issues of fact, the joint pretrial order should include separate statements of issues of fact to be tried and determined upon trial.

## **VI. CONTESTED ISSUES OF LAW, AS AGREED BY THE PARTIES**

The following are contested issues of law to be tried and determined at trial:<sup>2</sup>

- 10 1. Whether Plaintiff has a National Origin outside of the United States as this must be proven  
11 and Plaintiff has not provided any documentary evidence to substantiate the same.  
12 2. As to issues of law, related to the above there is a legal question as to whether the Plaintiff  
13 was entitled to Title VII protections. If she cannot prove that she has a foreign National  
14 Origin, then she would not be entitled to Title VII protection.

Other contested legal issues are:

- 16        1. Whether Hukman was Terminated for Non-Discriminatory Reasons  
17        2. Whether Hukman can Establish Pretext  
18        3. Whether Hukman was Engaged in a Protected Activity  
19        4. Whether Hukman was subject to an adverse employment action.  
            5. Whether other employees outside of her class were treated more favorably.

## VII. EXHIBITS

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:

1. Snackers Employee Handbook
  2. Sheida Hukman Employment File
  3. Text from Hukman dated December 24, 2021 at 10:11 PM.
  4. Email from Hukman dated December 25, 2021 at 2:47 AM.

<sup>2</sup> Should the attorneys or parties be unable to agree on the statement of issues of law, the joint pretrial order should include separate statements of issues of law to be tried and determined upon trial.

1               5. Email from Hukman December 27, 2021 at 2:24 PM

2               6. Text Message from B. Boggs dated December 25, 2021 at 11:17 AM

3               (b) As to the following exhibits, the party against whom the same will be offered  
4 objects to their admission on the grounds stated:

5               (1) Set Forth the Plaintiff's Exhibits and Defendants' Objections to Them.

6               1. Email to Mr. Boggs on December 16, 2021

7               2. Retaliation on December 24, 2021

8               Defendants object to the following exhibits from Plaintiff:

9               1. Email to Mr. Boggs on December 16, 2021-Not disclosed

10               2. Retaliation on December 24, 2021-insufficient

11               description/undisclosed/does not appear to the evidence

12               (2) Set Forth the Defendant's Exhibits and Plaintiff's Objections to Them

13               1. Employee Performance Notice

14               2. Snackers Security Videos from December 18, 2021

15               3. Complaint in Hukman v. Southwest Airlines

16               4. Third Circuit Decision upholding dismissal by summary judgment in  
17               Hukman v. American Airlines, Inc.

18               5. Complaint in Hukman v. Communication Workers of American

19               6. Complaint in Hukman v. Terrible Herbst, Inc.

20               Plaintiff objects to the following exhibits from Defendants:

21               1. Employee Performance Notice – Plaintiff claims it was forged.

22               2. Snackers Security Videos from December 18, 2021- Plaintiff claims she  
23               did not know that her employer had a video recorder in the break area.

24               (c) Electronic evidence: Security videos as noted above.

25               (1) Plaintiff objects to the security videos as noted above.

26               (d) Depositions

27               (1) Plaintiff will offer the following depositions: None

(2) Defendant will offer the following depositions: Deposition of Sheida Hukman

(e) Objections to depositions:

(1) Defendant objects to plaintiff's depositions as follows: No objection

(2) Plaintiff objects to defendant's depositions as follows: Sheida Hukman does not agree with her entire deposition.

## VIII. WITNESS LIST

The following witnesses may be called by the parties upon trial:

(a) Provide names and addresses of Plaintiff's witnesses:

Bill Boggs

HARMAN UNLIMITED, INC. (Incorrectly Identified as Snackers Sinclair, Inc.)

c/o Aileen E. Cohen, Esq.

## THORNDAL ARMSTRONG PC

1100 East Bridger Avenue

Las Vegas, NV 89101-5315

# Tiffany Branson

Denny Harmon

Defendant objects to Plaintiff's listing of Denny Harman and Tiffany Branson as witnesses.

(b) State names and addresses of Defendant's witnesses:

Bill Boggs

HARMAN UNLIMITED, INC. (Incorrectly Identified as Snackers Sinclair, Inc.)

c/o Aileen E. Cohen, Esq.

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## **IX. JOINT PROPOSED TRIAL DATES**

The attorneys or parties have met and jointly offer these three trial dates:

1. September 26, 2024      2. October 3, 2024    3. October 17, 2024

It is expressly understood by the undersigned that the court will set the trial of this matter on one of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the court's calendar.

1  
2                   **X. ESTIMATED NUMBER OF TRIAL DAYS**  
3

4                   It is estimated that the trial will take a total of 2 days.  
5

6                   DATED this 16th day of April, 2024.  
7

8                   THORNDAL ARMSTRONG, PC  
9

10                  */s/ Aileen E. Cohen*  
11

12                  Aileen E. Cohen, Esq.  
13                  Nevada Bar No. 5263  
14                  1100 East Bridger Avenue  
15                  Las Vegas, NV 89101-5315  
16                  Attorney for Defendant  
17                  HARMAN UNLIMITED, INC.  
18                  (incorrectly identified as  
19                  Snackers Sinclair, Inc.)  
20

21                  */s/ Sheida Hukman*  
22

23                  Sheida Hukman  
24                  1001 E. Sunset Road, Unit 96321  
25                  Las Vegas, NV 89193  
26                  Plaintiff in Proper Person  
27

28                   **XI. ACTION BY THE COURT**

1                  This case is set for ~~court~~/jury trial on the fixed/stacked calendar on September 23, 2024 at 9:30  
2  
3                  a.m. in courtroom 6B. Calendar call will be held on September 12, 2024 at 9:30 a.m. in  
4  
5                  courtroom 6B.

6                  Dated: April 18, 2024  
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8                     
9                  UNITED STATES DISTRICT JUDGE  
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